



12-08-05

JFL

U.S.P.S. EXPRESS MAIL "POST OFFICE TO ADDRESSEE" SERVICE  
DEPOSIT INFORMATION

Express Mail Label No.: EV 316049897 US

Date of Deposit: December 7, 2005

BRINKS  
HOFER  
GILSON  
& LIONE

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Tomoaki Hirayama, et al.

Appln. No.: 10/629,054

Filed: July 29, 2003

For: RADIO COMMUNICATION SYSTEM,  
FREQUENCY ALLOCATION METHOD  
AND FREQUENCY ALLOCATION DEVICE

Attorney Docket No: 9683-157

Examiner: Appiah, Charles  
Nan

Art Unit: 2686

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

## TRANSMITTAL

Sir:

## Attached are:

- ☒ Information Disclosure Statement (2 pages), PTO-1449 (2 pages), Copies of Required References
- ☒ Return Receipt Postcard

## Fee calculation:

- ☐ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$\_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).
- ☒ A petition or processing fee in an amount of \$180.00 under 37 C.F.R. § 1.17(p).
- ☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			X100=			x \$200=	
First Presentation of Multiple Dep. Claim					+\$180=			+\$360=	
					Total	\$		Total	\$

## Fee payment:

- ☒ A check in the amount of \$180.00 is enclosed.
- ☐ Please charge Deposit Account No. 23-1925 in the amount of \$\_\_\_\_\_. A copy of this Transmittal is enclosed for this purpose.
- ☐ Payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

Date

12/7/05

Amir N. Penn (Reg. No. 40,767)



# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Tomoaki Hirayama ET AL.

Appln. No.: 10/629,054

Filed: July 29, 2003

For: RADIO COMMUNICATION  
SYSTEM, FREQUENCY  
ALLOCATION METHOD AND  
FREQUENCY ALLOCATION  
DEVICE

Examiner: Appiah, Charles  
Nana

Art Unit: 2686

Attorney Docket No: 9683-157

## INFORMATION DISCLOSURE STATEMENT

In accordance with the duty of disclosure under 37 C.F.R. §1.56 and §§1.97-1.98, and more particularly in accordance with 37 C.F.R. §1.97(c), Applicant hereby cites the following reference(s):

### U.S. PATENT DOCUMENTS

Cite No.	DOCUMENT NUMBER Number-Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Class/ Subclass	Filing Date
A1	5,708,969	01/13/1998	Kotzin, et al.		
A2	5,732,327	03/24/1998	Yoshimi, et al.		
A3	5,787,352	07/28/1998	Benveniste		
A4	5,818,827	10/06/1998	Usui, et al.		
A5	5,920,554	07/06/1999	Nakamura, et al.		
A6	5,926,763	07/20/1999	Greene, Sr., et al.		
A7	6,061,568	05/09/2000	Dent		
A8	6,219,541 B1	04/17/2001	Brodie		
A9	6,259,685 B1	07/10/2001	Rinne, et al.		
A10	6,590,878 B1	07/08/2003	Uchida, et al.		
A11	2002/0030749 A1	03/14/2002	Nakamura, et al.		
A12	2002/0111163 A1	08/15/2002	Hamabe		

### FOREIGN PATENT DOCUMENTS

Cite No.	Foreign Patent Document Country Code, Number - Number-Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Class/ Subclass	T
A13	JP 4-245723	09/02/1992	Fujimoto		Abstract
A14	JP 8-237728	09/13/1996	Masaaki, et al.		Abstract - Corresponding case is US 5,732,327
A15	JP 9-051321	02/18/1997	Usui, et al.		Abstract - Corresponding case is US 5,818,827

12/09/2005 ITESSEN1 00000019 10629054

01 FC:1806

180.00 OP

Cite No.	Foreign Patent Document Country Code, Number - Number-Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Class/ Subclass	T
A16	JP 9-83429	03/28/1997	Nakamura, et al.		Corresponding case is US 5,920,554
A17	JP 9-200843	07/31/1997	Benveniste		Abstract - Corresponding case is US 5,787,352
A18	JP 11-341555	12/10/1999	Hamabe		Abstract - Corresponding case is US 2002/0111163 A1
A19	WO 96/37082	11/21/1996	Posti		T

Applicant is enclosing Form PTO-1449 (two sheets), along with a copy of each listed reference for which a copy is required under 37 C.F.R. §1.98(a)(2). As each of the listed references is in English, no further commentary is believed to be necessary, 37 C.F.R. §1.98(a)(3). Applicant respectfully requests the Examiner's consideration of the above reference(s) and entry thereof into the record of this application.

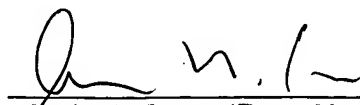
By submitting this Statement, Applicant is attempting to fully comply with the duty of candor and good faith mandated by 37 C.F.R. §1.56. As such, this Statement is not intended to constitute an admission that any of the enclosed references, or other information referred to therein, constitutes "prior art" or is otherwise "material to patentability," as that phrase is defined in 37 C.F.R. §1.56(a).

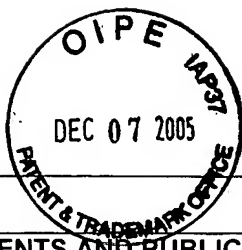
Some of the enclosed references were cited in the parent case to the present application (U.S. Application No. 09/446,295; issued as U.S. Patent 6,658,257).

Applicant has calculated a processing fee in the amount of \$180.00 to be due under 37 C.F.R. §1.17(p) in connection with the filing of this Statement. Applicant has enclosed a check covering this fee, or authorized charging the fee to a deposit account or credit card, as indicated in the Transmittal accompanying this Statement.

Respectfully submitted,

12/7/05  
Date

  
Amir N. Penn (Reg. No. 40,767)



FORM PTO-1449	APPLICATION NO. 10/629,054	ATTORNEY DOCKET NO. 9683-157
<b>LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT</b>	FILING DATE July 29, 2003	GROUP ART UNIT 2686
(use several sheets if necessary)	FIRST NAMED INVENTOR: Tomoaki Hirayama, et al.	
	EXAMINER NAME: Appiah, Charles Nana	

EXAMINER INITIALS	Cite No.	DOCUMENT NUMBER Number-Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Class/Subclass	Filing Date
	A1	5,708,969	01/13/1998	Kotzin, et al.		
	A2	5,732,327	03/24/1998	Yoshimi, et al.		
	A3	5,787,352	07/28/1998	Benveniste		
	A4	5,818,827	10/06/1998	Usui, et al.		
	A5	5,920,554	07/06/1999	Nakamura, et al.		
	A6	5,926,763	07/20/1999	Greene, Sr., et al.		
	A7	6,061,568	05/09/2000	Dent		
	A8	6,219,541 B1	04/17/2001	Brodie		
	A9	6,259,685 B1	07/10/2001	Rinne, et al.		
	A10	6,590,878 B1	07/08/2003	Uchida, et al.		
	A11	2002/0030749 A1	03/14/2002	Nakamura, et al.		
	A12	2002/0111163 A1	08/15/2002	Hamabe		

#### FOREIGN PATENT DOCUMENTS

EXAMINER INITIALS	Cite No.	Foreign Patent Document Country Code, Number - Number-Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Class/Subclass	T
	A13	JP 4-245723	09/02/1992	Fujimoto		Abstract
	A14	JP 8-237728	09/13/1996	Masaaki, et al.		Abstract - Corresponding case is US 5,732,327
	A15	JP 9-051321	02/18/1997	Usui, et al.		Abstract - Corresponding case is US 5,818,827
	A16	JP 9-83429	03/28/1997	Nakamura, et al.		Corresponding case is US 5,920,554
	A17	JP 9-200843	07/31/1997	Benveniste		Abstract - Corresponding case is US 5,787,352
	A18	JP 11-341555	12/10/1999	Hamabe		Abstract - Corresponding case is US 2002/0111163 A1
	A19	WO 96/37082	11/21/1996	Posti		T

EXAMINER	DATE CONSIDERED
----------	-----------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449	SERIAL NO. 10/629,054	CASE NO. 9683-157
<b>LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT</b>	FILING DATE July 29, 2003	GROUP ART UNIT 2686
(use several sheets if necessary)	APPLICANT(S): Tomoaki Hirayama, et al.	

EXAMINER INITIAL	NON PATENT LITERATURE DOCUMENTS (Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.		T
	A20		
	A21		
	A22		
	A23		
	A24		
	A25		

NOTE: For "T" – please place an "X" if an English translation is being provided to the Patent Office.

EXAMINER	DATE CONSIDERED
----------	-----------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.